

Exhibit “A”

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **FLETES SOTELO S.A. De C.V.**, which may be served with process by serving its registered agent, **TRUCK PROCESS AGENTS OF AMERICA, INC. at MARIA GARCIA, 1519 WYOMING, EL PASO, TX 79902** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **448th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 14th day of July, 2017 by Attorney at Law, **JAMES B. KENNEDY, 6216 GATEWAY BLVD EAST, EL PASO, TX 79905** in this case numbered **2017DCV2348** on the docket of said court, and styled:

ISRAEL SANABRIA-MEDINA vs. MARTIN ALCANTAR and FLETES SOTELO S.A. De C.V.

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition, Civil Case Information Sheet, Plaintiff's Interrogatories, Requests for Disclosure, Requests for Admission and Request for Production to Defendant Fletes Sotelo S.A. De C.V., Plaintiff's Notice of Filing Redacted Medical Records of Israel Sanabria-Medina from Diagnostic Outpatient Imaging, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Barker Chiropractic Center, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Del Sol Medical Center, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Emergency Services of Texas, PA, Plaintiff's Notice of Filing Redacted Medical Records of Israel Sanabria-Medina from Barker Chiropractic Center accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 26th day of July, 2017.

CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By: [Signature] Deputy
JoAnn Fernandez

Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

P 07/28/17
SCH 3719

CIVIL CASE INFORMATION SHEET

Filed 7/14/2017 10:26 AM

Norma Favela Barceleau

District Clerk

El Paso County

2017DCV2348


CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED Israel Sanabria-Medina vs. Martin Gilberto Alcantar and Fletes Sotelo S.A. De C.V.

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: JAMES KENNEDY Address: 6216 Gateway Blvd. East City/State/Zip: El Paso Texas 79905 Signature:  Email: office@kennedyworksforyou Telephone: 915.544.5200 Fax: 915.542.2423 State Bar No: Tx 00791014		Names of parties in case: Plaintiff(s)/Petitioner(s): Israel Sanabria-Medina Defendant(s)/Respondent(s): Martin Gilberto Alcantar, Fletes Sotelo S.A. De C.V. [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax:	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

IN THE JUDICIAL DISTRICT COURT
COUNTY COURT AT LAW NUMBER
EL PASO COUNTY, TEXAS

ISRAEL SANABRIA-MEDINA,

PLAINTIFF,

VS.

MARTIN GILBERTO ALCANTAR AND FLETES
SOTELO S.A. DE C.V.,

DEFENDANTS.

CAUSE NO.: _____

PLAINTIFF'S ORIGINAL PETITION

COMES NOW, ISRAEL SANABRIA-MEDINA, Plaintiff in the above styled and numbered cause, by and through his attorney of record, JAMES B. KENNEDY, JR. of JAMES KENNEDY, P.L.L.C., and files this, PLAINTIFF'S ORIGINAL PETITION, and for cause of action would show the court the following:

DISCOVERY CONTROL PLAN

1. Discovery will be conducted under Level III pursuant to Rule §190.4 of the TEXAS RULES OF CIVIL PROCEDURE.

PARTIES TO THIS ACTION

2. Plaintiff resides in El Paso County, Texas.
3. Defendant Martin Gilberto Alcantar is an individual who resides and may be served with process at Hidalgo del Parral 7910, Nuevo Hipodromo, Cd. Juarez, CH 32695 or anywhere they may be found.
4. Defendant Fletes Sotelo S.A. De C.V. is an international common carrier and a Mexican Corporation doing regular and systematic business in the State of Texas. Said Defendant may be served by serving its registered agent Truck Process Agents of America, Inc. at Maria Garcia, 1519 Wyoming, El Paso, Texas 79902 or anywhere they may be found.

JURISDICTION AND VENUE

5. Venue is proper in El Paso County, Texas because the incident made the basis of this lawsuit occurred in El Paso County, Texas.

FACTS

6. On or about October 31st, 2016, Defendant Martin Gilberto Alcantar negligently caused an automobile accident with Plaintiff, which resulted in severe injuries and damages to Plaintiff (hereinafter "subject accident"). The negligence of Defendant Martin Gilberto Alcantar is alleged more fully below. The subject accident was the proximate cause of the injuries and damages sustained by Plaintiff, which are set forth more fully below.

CAUSE OF ACTION

7. DEFENDANT MARTIN GILBERTO ALCANTAR proximately caused the subject accident by ways including, but not limited to, the following when he:

- (a) Failed to use the due care and caution of an ordinary and prudent person in the same or similar circumstances;
- (b) Failed to take proper evasive action;
- (c) Failed to keep a proper look-out;
- (d) Failed to follow lane control marks, which constitutes negligence *per se* (El Paso Municipal Code §12.24.010 (B)); and
- (e) Committed other negligent acts and omissions to be determined during the course of discovery.

8. The above referenced acts and omissions, whether taken singularly or in concert, constitute a direct and proximate cause of the injuries and damages sustained by Plaintiff. Furthermore, this conduct violates the Transportation Code of Texas as specified above, which constitutes negligence *per se*.

9. Martin Gilberto Alcantar was acting within the course and scope of his employment with Defendant Fletes Sotelo S.A. De C.V. when the subject accident occurred, and as a result, Defendant Fletes Sotelo S.A. De C.V. is vicariously liable for the negligent acts and omissions of Martin Gilberto Alcantar. Plaintiff invokes the doctrine of *respondeat superior*.

DAMAGES

10. As a direct and proximate result of the negligent acts as described above, PLAINTIFF ISRAEL SANABRIA-MEDINA suffered:

- (a) Physical pain and suffering and mental anguish, past and future;
- (b) Physical impairment and disfigurement, past and future;
- (c) Reasonable and necessary medical expenses, past and future;
- (d) Lost wages and/or loss of wage earning capacity; and
- (e) Other damages;

11. PLAINTIFF ISRAEL SANABRIA-MEDINA seeks compensation in whatever amount the Jury determines to be fair and reasonable based upon the evidence, and in an amount that is within the jurisdictional limits of this Court over \$1,000,000.00.

JURY REQUEST

Plaintiff requests a Trial by Jury on all issues as set forth herein above.

REQUESTS FOR DISCLOSURE

Pursuant to Rule 194, Defendants are requested to disclose within the time period set forth in Rule 194.3 the information or material described in Rule 194.2(a)-194.2(l).

TRCP 193.7 NOTICE

This paragraph serves as notice under Tex. R. Civ. P. 193.7 that documents produced in response to written discovery requests served by plaintiff will be used against the producing party in any pretrial proceeding and/or trial.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendants Martin Gilberto Alcantar and Fletes Sotelo S.A. De C.V. be cited to appear and answer, and that on final trial, judgment be entered against Defendants for all relief requested as follows:

- 1. Judgment against Defendants for actual damages in an amount that is within the jurisdictional limits of this Court over \$1,000,000.00;
- 2. Pre and post-judgment interest, as described by law, until paid;

3. Costs of suit;
4. Such other and further relief, general and special, at law or at equity, to which Plaintiff may be justly entitled.

Respectfully Submitted,

JAMES KENNEDY, P.L.L.C.
6216 Gateway Blvd. East
El Paso, Texas 79905
(915) 544-5200
FAX (915) 532-2423

By: /s/James B. Kennedy, Jr.
JAMES B. KENNEDY, JR.
State Bar No.: 00791014

RETURN

Came on hand on 27 day of July, 2017, at 2:30 o'clock P.M., and executed in El Paso County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's Original Petition, Civil Case Information Sheet, Plaintiff's Interrogatories, Requests for Disclosure, Requests for Admission and Request for Production to Defendant Fletes Sotelo S.A. De C.V., Plaintiff's Notice of Filing Redacted Medical Records of Israel Sanabria-Medina from Diagnostic Outpatient Imaging, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Barker Chiropractic Center, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Del Sol Medical Center, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Emergency Services of Texas, PA, Plaintiff's Notice of Filing Redacted Medical Records of Israel Sanabria-Medina from Barker Chiropractic Center, at the following times and places, to-wit:

NAME	MONTH	DATE DAY	YEAR	Hour	TIME Min.	.M.	Place, and Course and Distance From Court House
Fletes Sotelo S.A. De C.V. by delivering to its Registered Agent Truck Process Agents of America, INC. Maria Garcia	07	28	2017	2:43	P.M.		1519 Wyoming Ave El Paso Texas 79905

And not executed as to the defendant, _____

the diligence used in finding said defendant, being _____

and the cause of failure to execute this process is: _____

and the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING _____ cop _____ \$ _____ Sheriff

County, Texas

Total _____ \$ _____ By _____ Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to Fletes Sotelo S.A. by delivering to its Registered Agent Truck Process Agents of America, INC. Maria Garcia on the 28 day of July, 2017, at 2:43 o'clock P.M. this copy of this instrument.

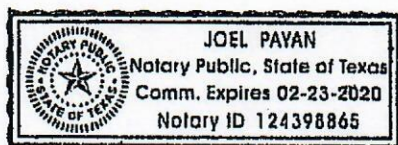
SCH3719, Sheriff/Agent

El Paso County, Texas

By Sal Payan SCH3719, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE 28TH DAY OF July

(SEAL)



NOTARY PUBLIC, STATE OF TEXAS

FILED
NORMA FAVELA BARCELEAU
DISTRICT CLERK
EL PASO COUNTY, TEXAS
AUG - 1
AM 10:25